

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MANMEET SINGH GILL,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE, *et al.*,

Defendants.

Case No. 2:24-cv-00621-JDP

ORDER

**DIRECTING DEFENDANTS TO FILE A
RESPONSE TO PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL**

ECF No. 20

Plaintiff has filed a notice of voluntarily dismissed. ECF No. 20. Subject to exceptions not applicable here, a plaintiff may voluntarily dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation of dismissal signed by all parties who have appeared.


Fed. R. Civ. P. 41(a)(1)(A).

Before plaintiff filed his request for voluntary dismissal, defendants filed a motion for summary judgment. ECF No. 7. Consequently, plaintiff may not unilaterally dismiss this case pursuant to Rule 41(a)(1)(A)(i). However, defendants may stipulate to dismissal of this action pursuant to Rule 41(a)(1)(A)(ii). Even if defendants decline to stipulate, the court may dismiss this action based upon plaintiff's request, "on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

1 Accordingly, it is ORDERED that all remaining defendants shall, within seven days of the
2 date of this order, file and serve a document stipulating to dismissal of this action with prejudice
3 pursuant to Rule 41(a)(1)(A)(ii),¹ or otherwise respond to plaintiff's request for voluntary
4 dismissal.

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6 IT IS SO ORDERED.

7 Dated: October 28, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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¹ In the event defendants so stipulate, the court will construe the parties' filings as a stipulation of voluntary dismissal without prejudice pursuant to Rule 41(a)(1)(A)(ii).